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AT ROANOKE, VA
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Civil Action No. 7:07cv00577

MEMORANDUM OPINION

By: Samuel G. Wilson
United States District Judge

I.

Saunders also alleges that he has information pertaining to an “entertainment” agency in Charlottesville, Virginia which forces girls younger than 16 years of age to “dance,” “work as prostitutes,” and “make and star in pornographic films.” He claims that these girls are taken from

Greensboro, North Carolina, “against their will” by men who bring them to Virginia. He states that he also has more information that he can also provide to federal agents.

As “relief,” Saunders asks the court to “order” the United States Department of Justice, the Federal Bureau of Investigation, the Drug Enforcement Agency, the United States Attorney (or an Assistant United States Attorney), the Secret Service, “or any other U.S. Justice Authorities” to “[go] see [him] concerning this matter.”

II.

To state a cause of action under §1983, a plaintiff must allege facts indicating that plaintiff has been deprived of rights guaranteed by the Constitution or laws of the United States and that this deprivation resulted from conduct committed by a person acting under color of state law. West v. Atkins, 487 U.S. 42 (1988). In this case, Saunders has not alleged that he has been deprived of any right guaranteed by the Constitution or laws of the United States and, therefore, the court finds that he has failed to state a claim under § 1983.¹

III.

For the reasons stated, the court dismisses Saunders’ complaint for failure to state a claim.

ENTER: This 10th day of December, 2007.



United States District Judge

¹ Moreover, the court will not construe his complaint as a petition for writ of mandamus. “The remedy of mandamus is a drastic one, to be invoked only in extraordinary circumstances.” Kerr v. United States Dist. Court, 426 U.S. 394, 402 (1976). “The party seeking mandamus relief carries the heavy burden of showing that he has no other adequate means to attain the relief he desires and that his right to such relief is clear and undisputable.” In re Beard, 811 F.2d 818, 826 (4th Cir. 1987) (internal quotations omitted); see also First Fed. Sav. & Loan Ass’n v. Baker, 860 F.2d 135, 138 (4th Cir. 1988). As Saunders has no right to the relief he requests, the court finds that mandamus relief is not appropriate.